

REMARKS

Claims 1-11, 13, 15, 17-25 and 40 are currently pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

SPECIFICATION

The specification has been amended as indicated above to further describe the structure shown in the original drawings and claimed in amended claims 1, 10, and 17. The amended language is supported by the drawings as originally filed, and therefore does not constitute new matter.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-4, 7-11, 14, 15, 17-19, 21, 22, 24 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Creavey (U.S. Pat. No. 3,033,582, hereinafter "Creavey") in view of Udagawa (U.S. Pat. No. 6,186,513, hereinafter "Udagawa"). This rejection is respectfully traversed.

Claims 17 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jackson (U.S. Pat. No. 2,513,178, hereinafter "Jackson") in view of Udagawa. This rejection is respectfully traversed.

Claims 5, 16, 13, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Creavey in view of Udagawa, as applied to claims 1, 10, and 17 above, and further in view of Combet et al. (U.S. Pat. No. 6,390,479, hereinafter "Combet"). This rejection is respectfully traversed.

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Creavey in view of Udagawa, as applied to claim 17 above, and further in view of Lucas et al. (U.S. Pat. No. 4,635,949, hereinafter "Lucas"). This rejection is respectfully traversed.

At the outset, Applicants note that claims 1, 10, and 17 have been amended to further define the carrier. Specifically, claims 1, 10, and 17 now include "a generally flat carrier having a generally planar top surface." Applicants note that what the Examiner considers the carrier (11) in Creavey is not generally flat and does not have a generally planar top surface, as claimed. Applicants further note that Jackson fails to teach a generally flat carrier having a generally planar top surface. Applicants note that the carrier and stopper members are integrally formed in both Creavey and Jackson, as admitted by the Examiner. The Examiner uses the combination of Udagawa with Creavey and Jackson to teach independently formed stopper members. Applicants submit that any interpretation of Creavey, Jackson, and Udagawa taken by the Examiner to teach or suggest the gasket of claims 1, 10, and 17 uses impermissible hindsight.

"To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of hindsight syndrome wherein that which only the inventor taught is used against its teacher." In re Fine, 837 F.2d 1071, 1075, 5 USPQ2d1596, 1600 (citing W.L. Gore & Assocs. v Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983)). There is no suggestion in the combinations cited by the Examiner to create the gasket of claims 1, 10, and 17. As indicated above,

Creavey discloses a carrier that is not flat, has a non-planar top surface, as well as integrally formed stopper members. Jackson also discloses a carrier having integrally formed stopper members. While the Examiner contends that Udagawa teaches independently formed stopper members, it fails to suggest a flat carrier having a generally planar top surface. As indicated above, there does not appear to be any motivation for the gasket created by the Examiner from the cited combination of references.

The Examiner appears to be picking and choosing among the elements of the various references to create his hindsight reconstruction. "Virtually all inventions are necessarily combinations of old elements. The notion, therefore, that combination claims can be declared invalid merely upon finding similar elements in prior patents would necessarily destroy virtually all patents and cannot be the law under statute, Section 103." Panduit Corp. v. Dennison Mfg. Co., 810 F.2d 1561, 1575, 1 USPQ2d 1593, 1603 (Fed. Cir. 1987). In view of the above arguments and amendments, Applicants respectfully submit that claims 1, 10, and 17 are in condition for allowance.

Claims 2-9, 11, 13, 15, 18-25 and 40 depend from claims 1, 10, and 17, and should be in condition for allowance for the reasons set forth above. Therefore, reconsideration and withdrawal of the rejection of claims 1-11, 13, 15, 17-25 and 40 are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests

that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (734) 354-5445.

Respectfully submitted,

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